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J1041 U.S. PTO

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Docket # PF-0247-2 CON

"Express Mail" mailing label number EL 856 153 429 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on May 4, 2001

By: Nancy Ramos

Printed: Nancy Ramos

J1002 U.S. PTO  
09/848915  
05/04/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/183,825, filed on October 30, 1998, which in turn is a divisional of U.S. application Serial No. 08/822,260, filed March 20, 1997, now U.S. Patent No. 5,830,660 both of which are entitled **NOVEL TUMORIGENESIS PROTEIN**.

1. X Enclosed is a specification corresponding to the prior application U.S. Application Serial No. 08/822,260, filed March 20, 1997, now U.S. Patent No. 5,830,660, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 08/822,260, filed March 20, 1997, to which priority is claimed. In accordance with 37 C.F.R. § 1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/822,260 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. X Cancel in this application original claims 21-43 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional

to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Jennifer L. Hillman and Surya K. Goli.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on July 16, 1997 is enclosed.
6.     Amend the specification by inserting after the title: "This application is a continuation application of U.S. application serial number 09/183,825, filed October 30, 1998, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee
				Rate	Fee	\$710.00
Total Claims	20	-20	0	x \$18	0	\$0
Indep. Claims	2	-3	0	x \$80	0	\$0
— Multiple Dependent Claim(s), if any				+ \$270		\$0

**TOTAL FILING FEE \$ 710.00**

8.     An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.

9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A duplicate copy of this Request is enclosed.

10. X New formal drawings are enclosed.

11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on July 20, 1997, at reel 9152/frame 0605.

12.     A preliminary amendment is enclosed.

13. X Also enclosed Information Disclosure Statement, List of References Cited by Applicants.

14. X The power of attorney of the prior application is to:

Narinder S. Banait  
Adam Warwick Bell  
Lucy J. Billings  
Michael C. Cerrone  
Diana Hamlet-Cox  
Colette C. Muenzen  
Lynn E. Murry  
Danielle M. Pasqualone  
Susan K. Sather  
David G. Streeter

Reg. No. 43,482  
Reg. No. 43,490  
Reg. No. 36,749  
Reg. No. 39,132  
Reg. No. 33,302  
Reg. No. 39,784  
Reg. No. 42,918  
Reg. No. 43,847  
Reg. No. 44,316  
Reg. No. 43,168

— The associate power of attorney in the prior application is to:

- a. X A Certificate Under 3.73(b), Revocation of Power of Attorney and Appointment of New Attorney is attached.
- b. — Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.  
PATENT DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: May 4, 2001

By:

Susan K. Sather  
Susan K. Sather  
Reg. No. 44,316  
Direct Dial Telephone: (650) 845-4646

- Inventor(s)  
— Assignee of complete interest  
X Attorney or agent of record  
— Filed under 37 CFR 1.34(a)  
— Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

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By: Nancy Ramos

Printed: Nancy Ramos

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hillman et al.

Title: TUMORIGENESIS PROTEIN

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

### Official Draftsman

Commissioner for Patents

Washington, D.C. 20231

### SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figures 1A, 1B, 2, 3A and 3B, as four (4) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this communication is enclosed.**

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: May 4, 2001

Susan K. Sather

Susan K. Sather

Reg. No. 44,316

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